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Attorney for Defendant Henry Konah Koffie

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

\$137,499.16, *in rem*,  
Defendant

No 3:23-CV-00228-MO

DECLARATION SUPPORTING MOTION  
FOR SPECIAL APPEARANCE, MOTION  
FOR STAY, and MOTION FOR  
EXTENSION OF TIME TO FILE  
ANSWER

I, James F. Halley, do declare under penalty of perjury under the laws of the  
United States that the following is true and correct:

1. I am a member of the Oregon State Bar and I am court appointed counsel for  
defendant Henry Koffie in *United States v. Henry Koffie*, #3:17-CR-00291-MO-1.  
Mr. Koffie is pending sentencing in that case.
2. I make this declaration in support of Claimant Koffie's Motion For Special  
Appearance, Motion For Stay, and Motion for Extension of Time to File An  
Answer.
3. Mr. Koffie has two other pending indictments in the Eastern and Western Districts  
of Pennsylvania (#17-cr-500-PD and #17-cr-204-CB, respectively). Those cases

arise from the same basic set of facts as the Oregon prosecution and this forfeiture case. Mr. Koffie has not appeared in the Pennsylvania cases.

4. I ask that the court permit me to appear specially for Mr. Koffie, to protect his rights to silence and counsel. I make this request for two reasons. First, I hope to retire at the end of June this year. I will have some cases pending sentencing after that date (including Mr. Koffie's Oregon criminal case), but that workload is limited and should be concluded by the end of the year. My retirement is prompted, in part, by health conditions that are exacerbated by the stress of a trial practice. I do not wish to take on full responsibility for this case, but do need to protect his rights. Second, I represent Mr. Koffie by court appointment in the Oregon prosecution, and it is not clear to me that the CJA would pay for work in this civil forfeiture case.
5. To pursue his claim to the money at issue in this case, Mr. Koffie would have to speak. He would have to participate in discovery by answering interrogatories, producing documents, and testifying in a deposition, and he would also have to put on evidence at a trial in this case, all of which would burden his 5<sup>th</sup> Amendment right against self-incrimination and impair his 6<sup>th</sup> Amendment right to counsel.
6. It is my understanding that the money at issue is in the prosecution's hands and will not be jeopardized by a stay.
7. If the Court denies the requested stay, I ask that the court extend the due date for Claimant Koffie's answer. The preferred extension would be to a date 30

days after the sentencing in Mr. Koffie's Oregon criminal case. At that point, successor counsel in Mr. Koffie's appeal should be in a position to assist him in this case. If the court is not willing to grant an extension of that length, I ask for an extension to a date 30 days after the order denying the requested stay so that I may consult with Mr. Koffie, who is currently housed at FDC Sheridan.

Respectfully submitted      May 10, 2023

JAMES F. HALLEY, P.C.  
/s James F. Halley  
James F. Halley, OSB #911757  
Attorney for Defendant Henry Konah Koffie